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**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE****U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.****HANK ADAM LOCKLIN and
JENNIFER ORR LOCKLIN,****Plaintiffs,****v.****STATE FARM INSURANCE COMPANY,****Defendant.****Case No:** _____**U.S. District Judge** _____**U.S. Magistrate Judge** _____**JURY DEMAND****NOTICE OF REMOVAL FROM CIRCUIT COURT**

COMES NOW, State Farm Fire and Casualty Company, improperly named in the complaint as State Farm Insurance Company, (hereinafter referred to as "State Farm"), by and through counsel, pursuant to 28 U.S.C. §§1332, 1441 and 1446, and files this Notice of Removal of this civil action from the Circuit Court of Davidson County, Tennessee, at Nashville, to the United States District Court for the Middle District of Tennessee, at Nashville, and states as follows:

1. On December 7, 2010, plaintiffs Hank Adam Locklin and Jennifer Locklin, filed a Complaint against this defendant in the Circuit Court of Davidson County, Tennessee, at Nashville under Docket No. 10C-4786 (a copy of which is attached hereto as Exhibit A).

2. On December 17, 2010, the Complaint was served upon Brenda C. Mead, the designated agent for service of process with the Tennessee Department of Commerce and Insurance. The Tennessee Department of Commerce and Insurance forwarded the Complaint to State Farm's Murfreesboro, Tennessee office.

3. No further action has occurred on this case currently pending in Davidson County Circuit Court.

4. Pursuant to 28 U.S.C. §1332(a), this court has jurisdiction when the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs and is between citizens of different states.

5. The plaintiffs, Hank Adam Locklin and Jennifer Orr Locklin, are and were, at all times relevant to this action, residents of Davidson County, Tennessee. State Farm Fire and Casualty Company, misidentified in the Complaint as State Farm Insurance Company, is incorporated in the State of Illinois with its principal place of business in Bloomington, Illinois, and is licensed to do business in the State of Tennessee.

6. The Complaint filed by the Locklins seeks damages related to a breach of contract via a homeowner's insurance policy with State Farm Fire and Casualty Company. The plaintiffs also allege that this defendant engaged in unfair and deceptive practices, violating the Tennessee Consumer Protection Act (TCPA) as contained in TENN. CODE ANN. §§ 47-18-101 through 130 (2001, as supplemented). Further, plaintiffs contend that this defendant has engaged in conduct that would allow recovery under the bad faith statute contained in TENN. CODE ANN. §56-7-105 (2001, as supplemented).

7. The plaintiffs seek \$30,000.00 in compensatory damages. Plaintiffs also seek treble damages through the TCPA as noted above. Pursuant to TENN. CODE ANN. §47-18-109(a) (3) (2001, as supplemented), the TCPA allows for treble damages and, as plead in the complaint, treble damages would allow \$90,000.00 in additional recovery.

8. As noted, Plaintiffs allege that Defendant violated the bad faith statute. Twenty five percent of the penalty for a \$30,000.00 loss sustained would total \$7,500.00 in additional damages.

9. Furthermore, the plaintiffs have asked for attorneys' fees. Pursuant to *Williamson v. Aetna Life Ins. Co.*, 481 F.3d 369, 376-377 (6th Cir. 2007), the TCPA allows these fees as part

of the statutory recovery and these attorneys fees are included in the calculation of the amount in controversy.

10. Adding up the damages sought on the face of the Complaint, plaintiffs seek, at a minimum, approximately \$127,500.00 in damages, not including the attorneys' fees. Thus, these amounts are in significant excess of the sum or value of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs.

11. Complete diversity of citizenship exists between the plaintiffs, Hank Adam Locklin and Jennifer Orr Locklin, and Defendant State Farm Fire and Casualty Company, Inc., and the amount in controversy in this case, exceeds the threshold of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars. The jurisdictional threshold contained within 28 U.S.C.A. §1332 has been met.

12. This defendant has filed a copy of this notice with the Circuit Court for Davidson County, Tennessee, and has also served a copy to Robyn Williams, the attorney for Hank Adam Locklin and Jennifer Orr Locklin.

WHEREFORE, PREMISES CONSIDERED, Defendant requests this action be removed from Circuit Court for Davidson County, to the United States District Court for the Middle District of Tennessee at Nashville. Defendant further requests a jury of six to hear this matter.

Respectfully submitted,

WILKINS TIPTON, P.A.

By: 

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*Attorney for State Farm Fire and Casualty
Company, misidentified as State Farm Insurance
Company*


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Removal from Circuit Court has been served via United States mail, postage prepaid, to the following:

Robyn Beale Williams, Esq.
211 7th Avenue North, Ste. 500
Nashville, TN 37219

Mr. Richard R. Rooker
Davidson Circuit Court
P.O. Box 19603
Nashville, TN 37219-6303

This the 14th day of January, 2011.



JAY R. McLEMORE